REMARKS

Claims 17-34 have been amended. Claims 35-36 have been canceled without prejudice or disclaimer and new claims 37-38 have been added. Accordingly, claims 17-34 and 37-38 are pending in this application.

Rejections Under 35 U.S.C. §112

Claims 17, 30 and 35 stand rejected under 35 U.S.C. §112, second paragraph due to the inclusion of the language "back-to-back" in the claims. In response, this language has been deleted from the claims.

Claim 21 stands rejected as including only functional language. In response, this claim has been amended to include additional structural limitations and a means-plus-function limitation.

Claims 22 and 25 stand rejected for including indefinite, functional, or operational language. In response, these claims have been amended to include additional structural limitations.

Claim 24 stands rejected for inclusion of indefinite language. In response, claim 24 has been amended.

Claims 27, 28, 32, 33 and 36 stand rejected for the inclusion of functional language and/or because it was unclear whether the controller contributed to the functionality. In response claims 27, 28, 32, and 33 have been amended to include additional structural limitations and/or means-plus-function limitations to more clearly

set forth Applicants' invention. Claim 36 has been canceled and the rejection of this claim is moot.

Claims 32 and 34 stand rejected because "the moveable table" lacked antecedent basis in the claims. In response, these claims have been amended.

Claim 34 stands rejected because the language "fit the size of said part rack" was not definite. In response, this portion of claim 34 has been amended.

Claim 35 stands rejected as having an unclear preamble. Claim 35 has been canceled, and the rejection is moot.

35 U.S.C. §§102 and 103

Claim 17 stands rejected under 35 U.S.C. §102(b) as being anticipated by Miura et al. (US Patent No. 5190434 - hereafter "Miura"). Additionally, claims 18-20, 22, 24-26, 28-31 and 33-36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Miura. Claims 21, 27 and 32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Miura in view of Farber et al. (US Patent No. 4856073 - hereafter "Farber"). These rejections are traversed as follows.

Under Applicants' invention, the supply lifter and the recovery lifter are each driven by a separate motor. This feature is supported by the description of the present application on page 18, last paragraph, and on page 19, first paragraph. Miura discloses a system of two elevators for supplying articles and discharging empty pallets which are disposed adjacent to each other on a movable article supplier. However, in contrast to the configuration of the system of the present

invention, both elevators of the Miura system are operatively associated with each other in a seesaw-like fashion. The elevators are driven by a single driving means in a way that if one of the elevators is lowered, the other elevator is raised and *vice versa*. (See, e.g., Miura, FIG. 1 and column 5, line 23, *et seq.*)

To the contrary, in the construction of the present invention, each lifter is driven by a separate motor. This enables each of the lifters to be driven independently from the other, thereby increasing operating speed as well as the sample throughput. Further, the separate drive mechanism allows the supply lifter to be lowered to the lowest position when the uppermost part rack is retained by the rack separation station, and the recovery lifter is also able to be lowered to the lowest position after having received a used part rack under separate timing. (See, e.g., the specification at page 21, first and second paragraph, or page 22, line 22, *et seq.*) Thus the operator is able add new part racks to the supply lifter and/or remove used part racks from the recovery lifter, even while the analyzer part take-out station is taking out parts and analyzing samples. (See, e.g. the specification at page 28, line 6 to 11.) Accordingly, an operator managing such an analyzer as a component of a large laboratory is not restricted to a fixed workflow, i.e., the operator is better able to decide which analyzers have to be attended to for replacing part racks, and the like. Additionally, there is no suggestion within Miura for driving each of the elevators by a separate motor. Accordingly, a construction as claimed by the present invention with the advantages as outlined above would not be obvious to a person of skill in the art being aware of the disclosure of Miura at the time the

invention was made. Further, Miura does not teach the advantageous configuration of the present invention, whereby the motors and drive belts are mounted between the lifters to achieve a more compact configuration. Accordingly, Miura does not teach or suggest the configuration of claim 17.

In addition with respect to the rejections of dependent claims 21, 27 and 32 under 35 U.S.C. § 103, Farber merely teaches that the door is normally locked. Farber fails to teach that a controller means locks the door when the lifters are in use, but enables the door to be opened for replacing part racks when the lifters are in an inactive position even while the analyzer is able to continue operation. This feature of the invention enables continuous operation of the analyzer and thereby reduces downtime. There is no teaching or motivation for a person skilled in the art to combine the teachings of Miura and Farber in order to construct an automatic analyzer or part feeding device, as recited in dependent claims 21, 27 and 32, respectively.

Further, independent claim 29 and dependent claim 18 include the limitation that a sensor senses the part racks remaining on the supply lifter and a controller means determines the quantity of part racks remaining on the supply lifter. This feature is also not taught or suggested by the prior art. While Miura is configured to count the articles remaining on a pallet, this is not relevant or analogous to determining the quantity of racks remaining on the supply lifter. For example, when the number of articles remaining on a pallet reaches zero, a new pallet is automatically loaded. However, when the quantity of part racks on the lifter reaches

zero, the analyzer would have to cease to operate. Thus, the present invention prevents this by determining the number of part racks remaining on the lifter, thus enabling notification to an operator so that new part racks may be added before the part racks are fully depleted. The structure recited in claims 29 and 18 is neither taught nor suggested by Miura or the other art of record.

The remaining dependent claims are directed to additional patentable features of the invention that are also not taught or suggested by the prior art. Accordingly, the pending claims are believed to be patentable over the art of record, whether taken singly, or in combination.

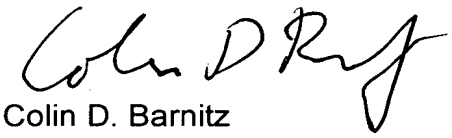
Subject Matter Indicated to be Allowable

The Office Action indicated that claim 23 would be allowable if rewritten in independent form to include all the limitations of the base claim and to overcome the rejections under 35 U.S.C. § 112. In response, Applicants have amended claim 23 to place it in independent form. It is further believed that amended claim 23 overcomes the rejections under 35 U.S.C. § 112. Should any minor informalities remain in claim 23 that might be addressed in a telephonic interview, the Examiner is encouraged to contact Applicant's undersigned attorney. Further, independent claim 24 has been amended to be directed to subject matter similar to claim 23. Additionally, new claim 37 has been added to claim the subject matter of claim 23 in method format. Accordingly, independent claims 23, 24 and 37 are believed to be allowable.

Conclusion

In view of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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